

PHILLIPS, MCLAUGHLIN & HALL, P.A.

JOHN C. PHILLIPS, JR.
LISA C. MCLAUGHLIN+
JAMES P. HALL
DAVID A. BILSON***
MEGAN C. HANEY
TODD L. GOODMAN
PAUL S. SEWARD***

ALSO MEMBER OF
+PENNSYLVANIA BAR
**NEW JERSEY BAR
*MARYLAND BAR

ATTORNEYS AT LAW
PENNSYLVANIA AVE. AND BROOM ST.
1200 N. BROOM STREET
WILMINGTON, DELAWARE 19806

(302) 655-4200
(302) 655-4210 (F)
pgmhllaw.com

July 15, 2020

VIA CM/ECF

The Honorable Leonard P. Stark
United States District Court
844 North King Street, Unit 26
Wilmington, DE 19801

Re: *Sunoco Partners Marketing & Terminals L.P. v. Powder Springs Logistics, LLC,*
et al., C.A. No. 17-1390-LPS-CJB

Dear Chief Judge Stark:

Pursuant to the Court's July 13, 2020 Oral Order (D.I. 593), I write on behalf of Plaintiff Sunoco Partners Marketing & Terminals L.P. ("Sunoco") and Defendants Powder Springs Logistics, LLC ("PSL") and Magellan Midstream Partners, L.P. ("Magellan") (collectively, "Defendants") to provide the Court with the parties' joint status report. The parties provide the following updates with respect to the Court's most recent orders and the items that remain to be completed prior to trial below.

Trial Date

The parties understood the two options presented by the Court to be as follows:

1. Provide a status report in about 6 weeks so that the parties and the Court to assess the current COVID impact at that time; or
2. Set a tentative trial date on the next date available for the Court, with the addition of a trigger point.

Sunoco's Preference: Given the current health conditions resulting from COVID-19 and the sober reality that setting a trial date within the next few months bears with it a substantial risk of having to continue that trial once again, Sunoco prefers Option 1. We are hopeful that within 6 weeks, the parties and the Court will have greater clarity as to when in-person trials may safely resume. Sunoco reiterates that it does not want an indefinite continuance. However, the current uncertainty as to when in-person trials may resume and the rising cases of COVID-19 has led to Sunoco's decision to choose Option 1 at this time.

Defendants' Preference: Defendants propose that the Court set this case down for trial around the end of September, on a date convenient to the Court and the parties. Defendants propose that the Court set a status conference 3 weeks before the trial start. If the Court is in phase 2 (jury trials permitted) and the relevant states where the witnesses and attorneys are located (Oklahoma, Georgia, Texas and Pennsylvania) are not restricting travel with respect to Delaware, then the parties can expect the trial to proceed.

Pretrial Order and Pretrial Conference

In an effort to reduce future time and expense to our clients and in order to have this case as ready as possible for trial when that should occur, the parties have agreed to complete the pretrial order, which was already nearly complete. Accordingly, the parties intend to file the pretrial order by Monday, July 20, 2020.

The pretrial order will include the briefing requested by the Court on the *Pennypack* analyses (D.I. 573, Tr. 97:23-98:9) and BSAs (D.I. 582). The parties request that the Court hold the presently scheduled pre-trial conference (July 27) to resolve the *Pennypack* briefing and the admissibility of the Butane Supply Agreements. However, the parties request that a pre-trial conference to resolve remaining issues relating to preparation of this case for trial be held closer to the trial date, when that date is determined.

Damages-Related Items from June 30, 2020 Order (D.I. 582)

Sunoco supplemented its response to Interrogatory No. 8 and provided revised pretrial disclosures (including its itemized statement of damages) on July 2, 2020 (D.I. 584, 585) in accordance with the Court's order (D.I. 582), and the parties have proceeded with the exchange of their respective pretrial disclosures.

In addition, Sunoco requested Defendants' availability for the short pretrial depositions of Mr. Colella and Mr. Maier limited to the damages issues per the Court's order. However, given the continuance in the August 3, 2020 trial date, the parties agree to postpone the depositions until the trial date is reset.

Respectfully submitted,

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (No. 110)